

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIE J. DAVIS,

Plaintiff,

v.

LON BECHER and GERALD CYPHER,

Defendants.

OPINION AND ORDER

17-cv-69-bbc

Pro se plaintiff Willie Davis is proceeding on claims that defendant C.O. Gerald Cypher violated his rights under the Eighth Amendment and Wisconsin state law by dispensing the wrong medication to him and that defendant Lon Becher violated his rights by directing correctional officers to dispense medication without proper training. (In his complaint, plaintiff names “L. Becher” and “C.O. 3 Cyehar” as defendants. Defendants clarified the proper spelling of their names in their answer.) On May 4, 2018, defendants filed a motion for summary judgment on all of plaintiff’s claims with the exception of his negligence claim against Cypher. Dkt. #24. Because plaintiff had been released from state custody and had not provided a current address to the court, the court contacted plaintiff’s probation agent in order to locate him and send him notice of the briefing schedule on defendants’ motion. In light of the delay in locating plaintiff, Magistrate Judge Stephen Crocker gave plaintiff an extension of time to June 25, 2018 to file a response to defendants’ motion, but warned plaintiff that if he missed the new deadline, the court may dismiss this

case for plaintiff's failure to prosecute it. Dkt. #32.

Plaintiff's new deadline has passed, but he has not responded to defendants' motion or communicated with the court in any way since August 2017. Plaintiff's failure to respond to defendants' motion and the court's May 22 order confirms that plaintiff has lost interest in pursuing his case and no longer intends to prosecute it. Accordingly, I am dismissing this case with prejudice fo plaintiff's failure to prosecute. James v. McDonald's Corp., 417 F.3d 672, 681 (7th Cir. 2005) ("A district court has the authority under Federal Rule of Civil Procedure 41(b) to enter a sua sponte order of dismissal for lack of prosecution.")

ORDER

IT IS ORDERED that plaintiff Willie J. Davis's claims are DISMISSED WITH PREJUDICE for failure to prosecute. The clerk of court is directed to enter judgment for defendants and close this case.

Entered this 16th day of July, 2018.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge